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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 **DWAYNE S. MONTGOMERY,**

15 Plaintiff,

16 v.

17 **C. NOLL, et al.,**

18 Defendants.  
19

Case No. C 06-4407 SI

**STIPULATION OF  
VOLUNTARY DISMISSAL  
WITH PREJUDICE**

Fed. R. Civ. P. 41(a)(1)(ii)

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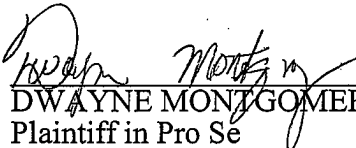
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Stipulation Voluntary Dismissal With Prejudice (FRCP 41(a)(1)(ii))

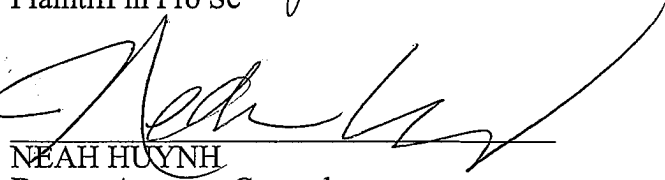
*Montgomery v. Noll, et al.*  
Case No. C 06-4407 SI

IT IS STIPULATED that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), the above-entitled action shall be dismissed with prejudice as to all defendants. Each side shall bear their own attorneys' fees and costs.

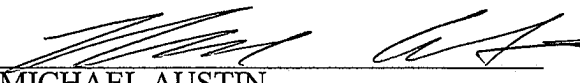
DATED: 7/20/07

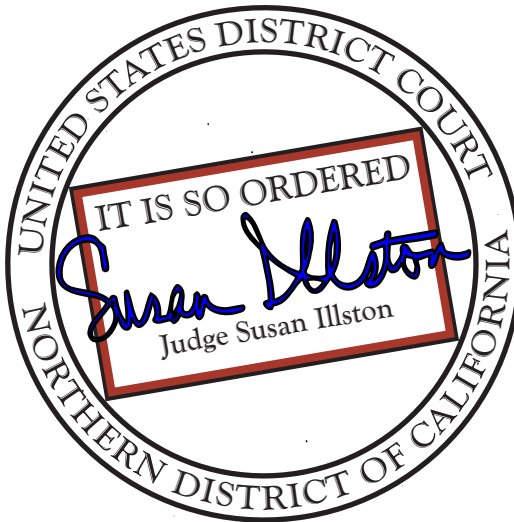
  
DWAYNE MONTGOMERY  
Plaintiff in Pro Se

DATED: 7/20/07

  
NEAH HUYNH  
Deputy Attorney General  
Attorney for Defendants M. Cervantes, D. Decree, and  
G. Darrett

DATED: 7/20/07

  
MICHAEL AUSTIN  
Galloway, Lucchese, Everson, & Picchi, P.C.  
Attorney for Defendant E. Jones



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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Montgomery v. Noll, et al.**

No.: **C 06-4407 SI**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **March 24, 2008**, I served the attached

**STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Aaron T. Schultz, Esq.**  
**Galloway, Lucchese, Everson & Picchi, L.P.**  
**1676 North California Blvd., Suite 500**  
**Walnut Creek, CA 94596-4183**  
Attorney for Eric Jones

**Dwayne S. Montgomery, K-14298**  
**Salinas Valley State Prison**  
**P.O. Box 1020**  
**Soledad, CA 93960-1020**  
Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **March 24, 2008**, at San Francisco, California.

M.M. Argarin  
Declarant

*M.M. Argarin*  
Signature